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9 HONORABLE Mary Dimke
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11
12 UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF WASHINGTON
14

15 UNITED STATES OF
16 AMERICA,

17 Plaintiff,

18 v.

19 CASEY ALLEN GREER (2),
20

21 Defendant.
22

23 NO. 2:23-CR-00074-MKD-2
24

25 Defendant Greer's Sentencing
26 Memorandum
27

28 Casey Allen Greer, by and through his attorney, Brooke D.
29 Hagara, of Hagara Law, PLLC, hereby submits his Sentencing
30 Memorandum.
31
32

I. Introduction

Mr. Greer respectfully requests this court sentence him to 35 years incarceration, as per the statutory minimum on Counts 1-3 (25 year minimum), running consecutively to Count 7 (10 year minimum).

Mr. Greer requests this court run his sentence concurrent with the sentence imposed by Spokane County Superior Court Case Number 22-1-00123-32, including the two years Mr. Greer has already served for the same conduct charged in this case.

A sentence of 25 years is sufficient but not greater than necessary after the court evaluates the advisory guidelines ranges and the factors under 18 U.S.C. § 3553(a). This sentence is also the minimum sentence required considering all counts on which the jury convicted Mr. Greer. A sentence of 35 years balances his relevant criminal history, provides him the opportunity to engage in programming, adequately deters future criminal activity, and protects the public.

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2 II. 18 U.S.C. § 3553(a)
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4

5 In accordance with the United States Supreme Court's decision in
6 *U.S. v. Booker*, 543 U.S. 220 (2005), when sentencing a defendant, the
7 sentencing court must consider the factors listed in 18 U.S.C. §
8
9 3553(a). Section 3553(a) provides, in pertinent part:
10

11 The court shall impose a sentence sufficient but not
12 greater than necessary to comply with the purposes
13 set forth in paragraph (2) of this subsection. The
14 court, in determining the particular sentence to be
15 imposed, shall consider

- 16 (1) the nature and circumstances of the offense
17 and the history and characteristics of the
18 defendant;
- 19
20 (2) the need for the sentence imposed—
21
22 a. to reflect the seriousness of the offense, to
23 promote respect for the law, and to provide just
24 punishment for the offense;
25 b. to afford adequate deterrence to criminal
26 conduct;
27 c. to protect the public from further crimes of the
28 defendant; and
29 d. to provide the defendant with needed
30 educational or vocational training, medical
31 care, or other correctional treatment in the
32 most effective manner;

(3) the kinds of sentences available...

(Emphasis added.)

Although the sentencing court must also consider the sentencing guidelines, it must not give more weight to the sentencing guidelines than to § 3553(a). *U.S. v. Zavala*, 443 F.3d 1165, 1169 (9th Cir. 2006). Moreover, if the sentencing court treats a guidelines range as the presumptive sentence, the court “will commit legal error by misapplying § 3553(a).” *Id.* at 1170.

The sentencing court’s “task is to attempt to find the most reasonable sentence for [the particular defendant] within the territory of all possible reasonable sentences.” *Id.* Sentencing is not mechanical, but rather a “difficult art.” *U.S. v. Diaz-Argueta*, 447 F.3d 1167, 1172 (9th Cir. 2006). It is “an act of reason as the judge looking at this particular person and the circumstances of the crime that this particular person has committed makes a judgment following the prescriptions of [§ 3553(a)].” *Id.*

1
2 **a. History, characteristics, and criminal history of the**
3 **defendant.**
4

5 Mr. Greer was sexually assaulted when he was four years old. PSR
6
7 at 19. His family never offered him help to address this trauma, he
8
9 never went to a therapist, and he never saw any justice for the crimes
10
11 committed against him. *Id.* He spent his childhood between an abusive
12
13 home with an alcoholic mother, and in and out of foster care. *Id.* He
14
15 experienced constant abandonment, neglect, and abuse in his
16
17 formative years, leaving him unable to cope with his abuse or
18
19 understand appropriate boundaries with children and sexual activity.

20 When Mr. Greer was a teen in the 1990s, the traumatic
21
22 consequences of his childhood abuse came full circle. PSR at 16. Due
23
24 to his unprocessed and untreated trauma skewing his sense of right
25
26 and wrong, he had an inappropriate interaction with the child of a
27
28 family member. *Id.* When law enforcement became involved, he
29
30 cooperated fully and admitted to the entirety of the interaction. *Id.*

31 At the time of this conviction, Mr. Greer was evaluated for

1 therapy, but was determined to not be a candidate for outpatient
2 therapy due to not fully understanding the depth of his sexual
3 problems. *Id.* at 17. The court never required him to engage in sex
4 offender treatment or programming. He never received the help he
5 needed to address his trauma or the resulting inappropriate behaviors
6 and perversion of sexual norms. He could not ever afford to seek help
7 on his own due to his economic circumstances.

8 After Mr. Greer's 1996 case, he has not had any relevant criminal
9 history until the case before the court today. He has demonstrated
10 that, outside of the conduct in this case, he is not a danger to society.
11 He is not a violent man, and he does not have other criminal
12 tendencies beyond those that stem from the abuse and lack of services
13 he endured as a child.

14
15 **a. Nature and circumstances of the offense**

16
17 Mr. Greer needs to be treated for sexual deviancy. While the issue
18 of sexual deviancy is complex, Mr. Greer does not have a drug or
19 alcohol addiction to complicate his ability to complete treatment. He
20
21

1 will be able to immediately focus on addressing his trauma and the
2 subsequent deviancy during his incarceration with available
3 programming; unlike an individual who has other mental health or
4 addiction issues.
5
6

7
8 Mr. Greer also has the ability to comprehend and learn from
9 treatment. He has a GED and obtained an associate's degree in
10 applied sciences. He will be more successful in treatment than
11 someone with more diverse issues to address and less education to
12 apply the treatment.
13
14

15
16
17 **b. A 35-year sentence is sufficient to provide Mr. Greer
18 with the necessary rehabilitation while also protecting the
19 public.**
20
21

22 If the court sentences Mr. Greer to the minimum sentence of 35
23 years, he may have the opportunity to reenter society as a peaceful
24 and law-abiding citizen. He humbly requests this court give him the
25 chance to be a better man and to have some chance of release before
26 the end of his life.
27
28

29 Mr. Greer is 47 years old; he will be 82 at release if this Court
30
31

1 imposes a 35-year concurrent sentence. This sentence length is
2 sufficient to protect the public and provide Mr. Greer with the
3 necessary rehabilitation.
4

5 A 35-year sentence adequately serves the factors the court must
6 consider under 18 U.S.C. § 3553(a). The sentence accounts for the
7 circumstances of the offense, Mr. Greer's history, is a just punishment,
8 and supports deterrence, incapacitation, and rehabilitation. 18 U.S.C.
9 § 3553(a). To sentence Mr. Greer to more than 35 years does not
10 further satisfy any of these factors, it only further ensures Mr. Greer
11 will likely die in prison.
12

13 Mr. Greer acknowledges the jury convicted him of horrific conduct
14 that cannot be excused. However, sentencing is a balancing act that
15 must take into consideration the conduct and the characteristics and
16 background of the person before the court. Mr. Greer requests the court
17 consider his difficult background and need for intensive treatment in
18 addition to the circumstances of his offenses. For the aforementioned
19 reasons, he respectfully requests the court impose a 35-year concurrent
20

1 sentence.
2

3 RESPECTFULLY SUBMITTED this 7th day of April, 2025.
4

5 /s/ Brooke Diane Hagara
6 Brooke D. Hagara, WSBA #35566
7 Attorney for Casey Allen Greer
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10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on this 7th day of April, 2025, I electronically
12 filed the foregoing with the Clerk of the Court using the CM/ECF
13 System, which will notify Assistant United States Attorneys Ann Wick
14 and Laurel Holland.
15

16 /s/ Brooke Diane Hagara
17 Brooke D. Hagara
18